

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

EARL T. BARNETT,

Plaintiff,

v.

CIVIL ACTION NO. 1:05CV58
(Judge Keeley)

ALBERTO GONZALES,
Attorney General,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 29, 2005, Earl T. Barnett filed a pro se complaint against Alberto Gonzales. On April 5, 2005, Barnett filed an application for leave to proceed in forma pauperis. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation. On May 16, 2005, Judge Kaull issued a Report and Recommendation recommending that the Court deny Barnett's application and order him to pay the \$250 filing fee.

The Report and Recommendation also specifically warned that Barnett's failure to object to the recommendation would result in the waiver of his appellate rights on this issue. Nevertheless, Barnett has not filed any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation

¹ Barnett's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).


ORDER ADOPTING REPORT AND RECOMMENDATION

in its entirety and **DENIES** Barnett's application for leave to proceed in forma pauperis and **ORDERS** him to pay the \$250 filing fee.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the plaintiff.

Dated: June 8, 2005.



IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE